

REMARKS

Reexamination and reconsideration of the application as amended are requested. Support for amended claim 1 is found, for example, from paragraph [0028] of the specification which states, "Although the code can be updated many ways, some embodiments use File Transfer Protocol (FTP) to update the firmware." Clearly, the updating of the firmware of the imaging device is updating of the stored firmware of the imaging device. Support for amended claim 15 is found, for example, from paragraph [0040] of the specification which states, "Upon verifying the user, previously secured functions of the imaging device can become available for use." Support for amended claim 30 is found, for example, from paragraph [0037] of the specification.

The examiner's objection to the title, to trademark use, and to claims 19, 20 and 23 is respectfully traversed. The title, paragraphs [0018], [0022] and [0026] of the specification, and claims 19, 20 and 23 have been amended accordingly.

The examiner's rejection of claims 1-33 as "unpatentable subject matter", under 35 USC 101, is respectfully traversed. Claims 2-14 depend from claim 1, claims 16-29 depend from claim 15, and claims 31-33 depend from claim 33.

Claim 1 requires accepting a connection from the portable memory source 50 at the second communication port 30 of the imaging device, accessing files stored on the portable memory source 50, and updating the stored firmware of the imaging device with at least one of the files stored on the memory source 50. Updating the stored firmware of the imaging device results in new stored firmware. The imaging device which stores the firmware has been transformed into a different state. Note paragraph [0028] of the specification which states, "Although the code can be updated many ways, some embodiments use File Transfer Protocol (FTP) to update the firmware." Clearly, the updating of the firmware of the imaging device is updating of the stored firmware of the imaging device.

Patent subject matter eligibility is discussed in section 2106 of the MPEP. Claim 1 recites a process which requires the process step of updating the stored firmware. Claim 1 is

directed to a practical application by physical transformation to a different state (the imaging device which stores the firmware has been transformed into a different state). See MPEP 2106 IV. C. 2. (1). Also, claim 1 is directed to a practical application that produces a useful result (the updated firmware improves the performance of the imaging device and, in one example, the update was done by a vendor without giving the vendor access to the computer 40 which could be a security issue – see paragraph [0029] of the specification). See MPEP 2106 IV. C. 2. (2). Claim 1 recites patentable subject matter.

Claim 15 requires communicating authentication information stored on the portable memory device to the imaging device, verifying the authentication information on the portable memory device and upon verification, granting the user of the imaging device access to at least one function of the imaging device. Note paragraph [0040] of the specification which states, "Upon verifying the user, previously secured functions of the imaging device can become available for use." Claim 15 is directed to a practical application by physical transformation to a different state (e.g., the imaging device is configured to allow an authenticated user to email scanned documents – see paragraph [0038]). See MPEP 2106 IV. C. 2. (1). Also, claim 15 is directed to a practical application that produces a useful result (e.g., only certain users can use the imaging device to email scanned documents - see paragraph [0038]). See MPEP 2106 IV. C. 2. (2). Claim 15 recites patentable subject matter.

Claim 30 requires receiving at the printer information which is from a location remote from the printer and which is to be printed, accepting a connection from a portable memory device at the printer, verifying authentication information stored on the portable memory device, and upon verification, printing at the printer the received information. Claim 30 is directed to a practical application that produces a tangible result (i.e., information is printed at the printer). See MPEP 2106 IV. C. 2. (2). Claim 30 recites patentable subject matter.

The examiner states that applicant has not described how the updating of claim 1 (and presumably also the steps of claims 15 and 30) would be processed without incorporating a processor, memory, etc. However, applicants need not describe how to implement various steps

of process claims when such implementation is well within the ordinary level of skill of the artisan. The specification is enabling within the requirements of 35 USC 112.

The examiner's rejection of claims 1-16, 22, 24-28 and 30-32 as "anticipated", under 35 USC 102(e), is respectfully traversed. The examiner rejects these claims as being unpatentable over Rothman (US 7,222,339). Claims 2-14 depend from claim 1, claims 16, 22 and 24-28 depend from claim 15, and claims 31-32 depend from claim 30.

Claim 1 requires accepting a connection from the portable memory source 50 at the second communication port 30 of the imaging device, accessing files stored on the portable memory source 50, and updating the stored firmware of the imaging device with at least one of the files stored on the memory source 50.

Rothman provides firmware updates to a first computing platform which then interacts with firmware running on other computing platforms to update the firmware for the other computing platforms (see the Abstract). Rothman describes computing platforms and does not teach, suggest or describe an imaging device such as a printer. Rothman does not teach, suggest or describe updating the stored firmware of an imaging device (e.g., printer) by connecting a portable memory source at a communication port of the imaging device (e.g., printer). Rothman's computing platforms may have peripheral device connectors (see column 4, lines 45-47 and 62-65). Thus, a computing platform of Rothman may be connected to an imaging device by way of a peripheral device connector in the manner that claim 1 has its imaging device include a first communication port connectable with a computer or network. However, claim 1 updates the stored firmware of the imaging device by connecting a portable memory source to the second communication port of the imaging device, and claim 1 does not update the stored firmware of the imaging device through any memory source of the computer.

Claim 15 requires communicating authentication information stored on the portable memory device to the imaging device, verifying the authentication information on the portable memory device, and upon verification, granting the user of the imaging device access to at least one function of the imaging device. Rothman provides firmware updates to a first computing

platform which then interacts with firmware running on other computing platforms to update the firmware for the other computing platforms. Rothman describes computing platforms and does not teach, suggest or describe an imaging device such as a printer. Rothman does not teach, suggest or describe granting only a verified authenticated user access to at least one function of an imaging device.

Claim 30 requires receiving at the printer information which is from a location remote from the printer and which is to be printed, accepting a connection from a portable memory device at the printer, verifying authentication information stored on the portable memory device, and upon verification, printing at the printer the received information. Rothman provides firmware updates to a first computing platform which then interacts with firmware running on other computing platforms to update the firmware for the other computing platforms. Rothman describes computing platforms and does not teach, suggest or describe an imaging device such as a printer. Rothman does not teach, suggest or describe printing a document at an imaging device only upon verifying authentication information.

The examiner's rejection of claims 17-21, 23, 29 and 33 as "obvious", under 35 USC 103(a), is respectfully traversed. The examiner rejects these claims as being unpatentable over Rothman (US 7,222,339) in view of Rao (US 6,978,453). Claims 17-21, 23 and 29 depend from claim 15, claim 33 depends from claim 30, and applicants' previous remarks concerning the patentability of claims 15 and 30 over Rothman are herein incorporated by reference.

Claim 15 requires that upon verification of authentication information, granting the user of the imaging device access to at least one function of the imaging device upon verification of authentication information. Rao describes updating firmware for mobile handsets and other devices which employ Synchronization Markup Language device management specifications (see column 1, lines 36-42) upon verification of the received update package (see column 6, lines 14-22). Rao does not teach, suggest or describe granting the user of the imaging device access to at least one function of the imaging device upon verification of authentication information. Rothman and Rao, taken alone or in combination, and including obvious modifications thereof, do not teach, suggest or describe applicants' claim 15 and claims depending therefrom.

Claim 30 requires upon verification, printing at the printer the received information. Rao describes updating firmware for mobile handsets and other devices which employ Synchronization Markup Language device management specifications (see column 1, lines 36-42) upon verification of the received update package (see column 6, lines 14-22). Rao does not teach, suggest or describe a printer or upon verification, printing at the printer the received information. Rothman and Rao, taken alone or in combination, and including obvious modifications thereof, do not teach, suggest or describe applicants' claim 30 and claims depending therefrom.

Inasmuch as each of the rejections has been answered by the above remarks and amended claims, it is respectfully requested that the rejections be withdrawn, and that this application be passed to issue.

Respectfully submitted,

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